IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 1215 of 2002()

CRA.38/1996 of SESSIONS COURT, MANJERI
CC.346/1994 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER: APPELLANT/ACCUSED

ABDUL KAREEM, S/O. MOHAMMED,
CHEMMAT HOUSE, PUTHOOR P.O.,
KOTTAKKAL, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE RANGE OFFICER, NILAMBUR RANGE.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.6472/2002 IN CRL.R.P.NO.1215/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

14/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.1215 of 2002-B

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Dated this the 14th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.346/1994 in the file of the Judicial Magistrate of the First Class-II, (Forest Offences), Manjeri, who stands convicted for the offences under Sections 27(1)(e)(iii) & (iv) of the Kerala Forest Act and sentenced as modified by the appellate court to undergo rigorous imprisonment for one year and to pay a fine of Rs.3,000/- and in default to undergo rigorous imprisonment for six months.

2. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that the incident is of the year 1993 and more than 15 years have elapsed since the commencement of the proceedings and so far the accused was undergoing the travails of criminal proceedings and that his entire family is dependent on his income and that the loss sustained to the Government is only a sum of Rs.500/-.

3. The allegation is that the revision petitioner/accused trespassed into the reserve forest and was found removing pieces of rose wood in an autorickshaw.

4. In view of the long lapse of time, the sentence is modified to imprisonment till the rising of the court and to pay a fine of rupees five thousand and in default to undergo simple imprisonment for three months and also to pay a compensation of rupees twenty thousand to Government and in default to undergo simple imprisonment for six months. The revision petitioner is granted three months time to remit the fine and compensation amounts. He shall appear before the Judicial Magistrate of the First Class-II, (Forest Offences), Manjeri, on 13/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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